IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Criminal Revision No. 54 of 2007.

Date of decision: 26.7.2007

Shiv Kumar **..Petitioner**

Versus

State of H.P. **..Respondent**

Coram

The Hon'ble Mr. Justice Surjit Singh, J.

Whether approved for reporting ?[1] *No*

For the Petitioner : **Mr. Ashwani Kumar Sharma, Advocate.**

For the respondent: **Mr. A. Burathoki, Addl. A.G.**

Surjit Singh, J. (oral)

Revision petitioner had been convicted of offences under Sections 279, 337 and 338 I.P.C. by the trial Court and sentenced to undergo simple imprisonment for one month and to pay a fine of Rs.500/- for each of offences under Sections 279 and 337 I.P.C; and to undergo simple imprisonment for three months and to pay a fine of Rs.500/- for offence under Section 338 I.PC and the sentences of substantive imprisonment were ordered to run concurrently.

2 Respondent went in appeal to the Sessions Court. Sessions Court has reduced the amount of fine in respect of offences under Sections 279 and 337 I.P.C. to Rs.250/- each. However, sentences of substantive imprisonment in respect of these two offences have been maintained. As regards the offence under Section 338 I.P.C, the sentence of imprisonment,

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement*?**

as also of fine, as awarded by the trial Court, have been upheld without any change.

3. I have heard the learned counsel for the revision petitioner. He says that no independent witnesses were examined in this case and that only the driver and occupants of the car with which the collision of the truck, being driven by the respondent, had taken place, were examined. He says that the version of the driver and the occupants of the car was nothing but one sided version and it could not have been accepted unless some independent corroboration was there.

4. I have gone through the record. Version of the driver and the occupants of the car is corroborated by the photographs and the site plan prepared by the Investigating Officer, which clearly show that while the car was being driven on the extreme left hand side of its driver, the truck was being driven on the wrong side, i.e. on the right hand side of the road. The photographs and the site plan thus lend more than requisite corroboration to the testimony of the driver and the occupants of the car. Hence, the revision petition is dismissed.

Cr. M.P. No.208 of 2007

Infructuous.

July 26, 2007 (ss) **(Surjit Singh), J**